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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of.:**

Iris PECKER

Serial No.: 10/759,031

Filed: January 20, 2004

For: HIGH LEVEL EXPRESSION OF  
RECOMBINANT HUMAN  
ERYTHROPOIETIN HAVING A  
MODIFIED 5'-UTR

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Group Art Unit: 1647

Attorney Docket: 27179

Examiner: Regina M. Deberry

**Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

## ELECTION

Sir:

This is in response to the United States Patent and Trademark Restriction Office Action mailed September 21, 2006, which response is being made on or before October 21, 2006, and for which no extension of time fee is due.

Applicants hereby elect **Group I, namely Claims 1-13**, drawn to a chimeric polynucleotide, promoter and host cell.

Applicants reserve the right to file, at a later date, additional divisional applications claiming priority from the present application which are directed to the non-elected Group.

Respectfully submitted,

Carlton D. Meyer

**Martin D. Moynihan**  
Registration No. 40,338

Date: October 5, 2006